



**Legislative Recommendations within the  
Human Rights Act and  
Housing Discrimination Act**

**December 30, 2014**

**Troy T. Seibel, Commissioner of Labor**

The Department of Labor and Human Rights (Department) is required to publish in even-numbered years a written report recommending legislative or other action to carry out the purposes of the Human Rights Act and the Housing Discrimination Act under N.D.C.C § 14-02.4-22 and N.D.C.C. § 14-02.5-15. This report is intended to meet these requirements.

## **2015 Legislative Recommendations**

The Department recommends legislative approval of SB 2007. This bill is the Department's budget request and provides the funding necessary for the Department to continue its human rights and fair housing enforcement and educational activities.

## **Staff Training**

The Human Rights Director and all compliance investigators attend and complete coursework at the National Fair Housing Training Academy (as available) in order to become certified fair housing investigators. Thus far, the Human Rights Director and four of the Department's eight compliance investigators have completed the five week program. Three additional compliance investigators will begin the program in February of 2015. In addition, the Human Rights Director and seven compliance investigators completed a two-day training session with representatives of the Equal Employment Opportunity Commission in September of 2014. This training focused on handling complaints of discrimination in the employment context. Finally, half of the Human Rights Division staff has completed basic training in civil mediation, and will continue to attend training as necessary to keep their skills current.

## **Educational Activities**

Educating the public about human rights and fair housing is important to carrying out the declared purpose of the Human Rights Act and Housing Discrimination Act. The Department's actions in this area will include:

- Maintaining the Department's current education materials, which include: posters, brochures, and materials available on the Department's website.
- Providing speakers for presentations on human rights and fair housing to various groups and associations throughout the state.

- Hosting booths to disseminate educational materials on human rights and fair housing at conferences.
- Sponsoring events focusing on human rights and fair housing.
- Emphasizing education as part of the conciliation process.

## **Caseload**

The Department currently has the authority to investigate discrimination alleged in the areas of employment, housing, public service, public accommodations, and credit transactions. While the protected categories differ depending on whether the allegations are made under the Human Rights Act or the Housing Discrimination Act, they are race, color, religion, sex, national origin, age, disability, marital status, receipt of public assistance, familial status, and lawful activity.

The number of human rights complaints, including Equal Employment Opportunity (EEO) charges of discrimination and complaints of retaliation under N.D.C.C. § 34-01-20, handled by the Department has begun to increase. The Department received 386 complaints during the 2011–13 biennium. However, in the current biennium, the Department has received 349 complaints through November 30, 2014. At this pace, the Department is on track to receive approximately 492 complaints in the current biennium. This would represent a 27% increase over the previous biennium. The number of closed cases remains fairly consistent. However, with an ever increasing workload, the amount of time the Department is currently taking to close a case has increased. There are growing concerns about a back log of cases and significantly aged cases pending. These concerns are reflected in the Department's requests for additional staff, which are contained within SB 2007.

In the 2011-13 biennium, 78 housing discrimination complaints were filed with the Department. In the current biennium, the Department has received 53 housing discrimination complaints through November 30, 2014. These numbers have remained fairly steady from the previous biennium. All complaints are being handled in a timely manner and there is no concern about a substantial backlog of aged cases.

Finally, with respect to other human rights complaints under the North Dakota Human Rights Act, specifically under public accommodations, public services, and credit transactions, the Department's caseload continues to increase. The Department received 34 of these types of complaints in the 2011-13 biennium. However, in the current biennium, the Department has received 35 complaints

through November 30, 2014. The Department is on pace to receive approximately 49 such complaints in the current biennium. This would represent a 45% increase over the previous biennium. As mentioned above, there are growing concerns regarding a back log of these types of cases as well, which is reflected in the Department's requests within SB 2007.